



## COMMERCIAL CANNABIS CULTIVATION LICENSING – GUIDANCE FOR COMPLIANCE WITH FISH & GAME CODE SECTION 1602 –



- **Fish and Game Code section 1602** requires an entity to notify California Department of Fish and Wildlife (CDFW) before commencing an activity that will:
  - Substantially divert or obstruct the natural flow, or substantially change or use any material from the bed, channel or bank of any river, stream, or lake.
  - Deposit or dispose of debris, waste or other material where it may pass into any river, stream, or lake.

Please note that “any river, stream or lake” includes those that are dry for periods of time as well as those that flow year round.

- **Annual licenses for cannabis cultivation** issued by California Department of Food and Agriculture (CDFA) require the applicant to demonstrate compliance with Fish and Game Code section 1602. Compliance must be demonstrated with a CDFW Lake or Streambed Alteration (LSA) Agreement or written verification that an LSA Agreement is not required.
- **Temporary licenses for cannabis cultivation** issued by CDFA do not require an applicant to demonstrate compliance with Fish and Game Code section 1602. However, some counties currently require an LSA Agreement or statement from CDFW that no LSA Agreement is needed. Check with the county where your activity will occur. Fish and Game Code section 1602 requires an entity to notify CDFW if their activity will alter a river, stream, or lake as specified above.
- **To comply with Fish and Game Code section 1602**, submit an LSA Notification and appropriate fee to CDFW and enter into an LSA Agreement if required. The LSA Notification application, fee schedule, instructions, and locations of CDFW regional offices are available at <http://www.wildlife.ca.gov/Conservation/LSA>.

Ensure that your LSA Notification is complete and identify all existing and proposed activities and infrastructure associated with cannabis cultivation and site access. Activities include but are not limited to water diversion and storage, stream crossings (i.e., bridges, culverts, rock fords), road construction near streams and lakes, and riparian vegetation removal. Upon receipt of a complete LSA Notification, CDFW will begin review and may conduct a site visit.

An LSA Notification with associated unresolved violations or fines will not be processed until these issues are addressed.

- **Issuance of an LSA Agreement, or written verification that one is not required**, will be based on CDFW findings. An LSA Agreement is required when CDFW determines that the activity, as described in a complete LSA Notification, will (1) substantially alter a river, stream, or lake and (2) may substantially adversely affect existing fish or wildlife resources, as specified in section 1602 of the Fish and Game Code. An LSA Agreement identifies approved activities and measures necessary to protect fish and wildlife resources, which may limit the work period. Consider designing your project to avoid activities that require an LSA Agreement.

- **New! General Lake or Streambed Alteration Agreement for Activities Related to Cannabis Cultivation (General Agreement).** The General Agreement applies only to certain covered activities for the purpose of cannabis cultivation. The General Agreement expedites the CDFW authorization for eligible projects, pursuant to Fish and Game Code sections 1602 and California Code of Regulations Title 14 Section 722, and is exempt from the California Environmental Quality Act.

***Eligibility for the General Agreement:***

- ✓ **Covered Activities** are limited to construction, reconstruction, maintenance, or repair of a *stream crossing (bridge, culvert, rock ford only) or water diversion*, for the purpose of cannabis cultivation.
- ✓ **Design Criteria** specified in the General Agreement must be met. These include, but are not limited to sizing, placement, and operation.
- ✓ **Finfish species are not present** in the stream or lake, year-round or seasonally.
- ✓ **Take of Listed or Fully Protected species will not occur.**
- ✓ **Activity is not the subject of a complaint or order** by CDFW, City Attorney, District Attorney, Attorney General, or an order by a court.

Learn more at <https://www.wildlife.ca.gov/Conservation/LSA/Cannabis-Cultivation/General-Agreement>. Entities with activities that do not meet eligibility criteria for the LSA General Agreement for Cannabis Cultivation will need a Standard Agreement.

- **New! Online notification submittal is available for cannabis cultivation projects.**
  - Notifications requesting a General Agreement **must** use the online submittal process.
  - Notifications for cannabis cultivation projects requesting a Standard Agreement (term of 5 years or less) may use the online **or** paper submittal process. To request a term of greater than 5 years, use paper submittal.
  - Visit <http://www.wildlife.ca.gov/Conservation/LSA/Notify-CDFW>
- **If you have an existing LSA Agreement**, be sure that it covers all of the activities subject to Fish and Game Code section 1602 and that it has not expired. If all activities are not included in the LSA Agreement, you will need to submit a new LSA Notification to receive an LSA Agreement for the additional activities. If the LSA Agreement has expired before the work has been completed, you will need to submit a new notification to obtain a new LSA Agreement.
- **For more information and updates**, please visit CDFW's websites or contact the regional office that serves the location of your cannabis cultivation (see attached map):

LSA at <http://www.wildlife.ca.gov/Conservation/LSA>

Cannabis at: <https://www.wildlife.ca.gov/Conservation/Cannabis>